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A MAGAZINE OF HISTORY

OCTOBER 1948

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Montpelier

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The District School

TOWN OF ROCKINGHAM

By Rodney W. Roundy

In our New England as well as in other northern states the District School was an institution; it was in Vermont. As in the annual meetings of the voters of the town, so in the annual district school meetings the voters took themselves and their duties seriously. The district fathers shared their responsibilities with a due sense of the importance of their decisions and transactions.

Filed in the Town Clerk's office of the Town of Rockingham are two most interesting books of records in which are written in long hand, some more legible than others, the warnings and the minutes of the annual school meetings of the voters of the District. They are entitled "Book of Records School District No. 5; Oct. 15, 1840–June 25, 1889" and "Book of Records beginning with Reorganization in 1889 and ending with the Meeting of May 15, 1893." It is highly probable that this earlier book of records had its initial use at the time of the building of the brick structure which through the years has been our "Little Red School House." The district fathers erected a substantial structure of pleasing size and proportions; it has maintained an appearance agreeable to the eyes of those who have passed by through the years, no "ragged beggar sunning." Except the brick building at Rockingham Center in District Number 3, the stone one at Bartonsville in District Number 11 and those in Bellows Falls, other school buildings of the town have been framed wooden structures.

A typical record is the following:

"Rockingham, March 28, 1876

"Agreeable to the foregoing Notice the meeting was called to by the Clerk at 7½ o'clock P.M. art. first moderator. M. C. Roundy was Chosen. Clerk, Simon M. Allbee. Committee Geo. Wiley. Treasurer S. E. Adams. Collector D. B. Damon. Auditor Horace Allbee. Voted to have a School the ensuing year. of 28 weeks dura-

tion, divided into three terms. one term of 8 weeks to Commence the first of May. Second term of 8 weeks to commence the first of Sept. third term of 12 weeks to Commence Dec. first. Auditors report read and accepted. Voted to Buy 2 Cord good merchantable wood to be delivered and put in Shed by first of July, 1-½ Cord hard ½ Cord soft wood. Henry Green agrees to furnish the same for $3.95 per Cord. Voted to sell the Bord to loest bidder each term seperate. First term of 8 weeks Board was bid off by D. B. Damon $1.90 per week. Second term of 8 weeks was bid off by D. B. Damon at $1.85. Third term of 12 weeks Winter Bord was bid off by Geo. Wiley at $2.00 per week. Voted to raise 18 cents on the dollar of Grand list for all school purposes. Voted to disolve meeting.

"Sined, Simon M. Allbee Clerk."

Along with the other district schools of the township District Number Five has a history of its own. In the settlements of New England townships early provisions were made usually for some kind of public schools or school training. That was not so true for the town of Rockingham. While plans for religious worship and church establishments came first, arrangements for some kinds of school training were not long delayed. For the Town of Rockingham the delay was prolonged.

Settlers of the first generation were actively engaged in clearing roads through the forests, preparing lands for cultivation, building their early homes and, true to their Puritan heritage, making provisions for religious worship. At the very first meeting of the proprietors on March 28, 1753 a vote was taken for the reservation "of a Meeting-house place" and for laying out twenty acres of land "For the Use of the First Settled Minister." In 1771, ten years after the organization of the town, action was taken for definite provision of a place of worship. Building of a rude structure, scarcely more than a cabin, was the outcome and on a site approximating the present location of the Pleasant Valley Grange at the geographical center of the township. In this structure religious services were held with reasonable regularity. Its inadequacies led to the building of the Old Rockingham Meeting House in 1787. Rev. Samuel Whiting became the first settled minister in 1771 and a church was organized in 1773.

In the warning of the town meeting of December 12, 1774 was

the following article: "4th, to see if the town is willing to hier a School Master to Teach our Children three months this Winter and to Chuse a Committee for that purpose and to See if the Town will Raise any Sum of money or Grane for that purpose." It was "Voted in the Negative."

The year following the establishment of Vermont in statehood, at the town meeting of March 28, 1792, a full generation after town organization, a Committee of eleven men was appointed to determine the respective areas of the several school districts. The town fathers had arrived at an era of consciousness of their family and social responsibilities to the growing boys and girls in a new state of the Union. Literacy was of importance to stable citizenship.

Elias Alcott (Olcott) was a member of this Committee. Already he had built his large post-Revolutionary house on the Upper Meadows located centrally in the District, he represented the northeastern section of the township. This large northeastern area bordering the Connecticut River some four miles and reaching westward into the hills was plotted as "John Lovell's District" and "comprised the remainder of the town." A survey made in 1869 mapped out fifteen districts and this northeastern section remained "District Number Five."

As went the town in delayed interest in school matters so went the course of the settlers in District Number Five. They cut their ways through the forests which later became their roads; they laid out their fields and cleared them for cultivation; they built their rude shelters in which they first lived and, later, their permanent houses; they joined their fellow townsmen in dutiful interest in organized religion and in building and maintenance of the Meeting House. Elias Olcott, personally and officially active in town affairs, and his wife were listed among the names of the original members of the first church organized on October 27, 1773. For twenty-one years he was deacon of the church. Oliver Lovell, whose homestead was located in the northern part of the upland area of the district on what was known in later years as the Dexter B. Damon place, was directly interested in the building of the Meeting House.

In District Number Five there must have been some sort of a school for the early years of the nineteenth century, probably limited to fairly long winter terms. Just where the school was

located is not quite certain. Whether or not the first structure was one of logs we cannot say; it may well have been. No doubt the teachers, as was the custom of the time, were men. As late as March 23, 1854 a woman teacher was of sufficient novelty that the record reads: "Voted to have a female teacher."

Contrasted with our present day social conceptions many of the votes in these old record books seem to us humorous and incongruous in their trivialities. Nevertheless, there is a basic strength of enduring values permeating and pointed up by recorded votes and agreements.

The price of the teacher's board per week seems to us ridiculous; in 1841 it was $1.50 per week "raised on each scholar." In 1854 it was still more minute; $1.20 and $1.17. Two and three cents per dollar on the Grand List was the income voted for school purposes. Requirements for heating were met by one quarter of a cord of wood to be furnished by the family of each attending scholar. The wood was housed inside the school building in a hallway separated by a partition from the school room. It was an entirely unsatisfactory arrangement. It was voted to have a woodshed and then, at the same meeting, the vote was rescinded.

In 1844 a little money went a long way in school support. It was recorded that the Treasurer reported receipts from the town of $39.28 and expenditures of $33. "for the support of school in the district." Fifty cents a week was the salary (in her young womanhood) in another district for one of the early "female teachers" of the town. If there were sixteen weeks of winter school the thirty-three dollars would allow for two dollars a week salary and one extra dollar; but from the salary must be subtracted the cost of board. Fewer weeks would have allowed a larger amount per week but, even so, a small weekly compensation.

One long winter term was for many years the limit of the year's school. In 1851 it was voted to have two months of school in the summer but this vote was followed at the same meeting by a vote to rescind. They were thinking about extending the time. On March 25, 1855, it was voted to have six months of school, that the teacher should be boarded around two weeks in a place and that two cords of good wood should be furnished at $2.50 per cord; it was $2.24 per cord in 1854. In 1856 the vote was for three months of winter and two months of summer school, extended to twelve weeks the following year. In 1859 the school tax was eight

cents on the dollar of the Grand List and, two years later, twenty-five cents of which five cents were to be spent on repairing the school house. In 1862 the cost of wood was $2.75 per cord and board, two weeks in a place, $1.25 in the summer and $1.50 in the winter. In 1867 board was $2.50 and $2.75 per week and wood $5.00 a cord. In 1870 there were eight weeks summer and twelve weeks winter school; board was $2.70 and $3.00, four weeks in a place.

In 1873 a most important, thoroughly considered and much talked about question was at the fore. Should the District unite with District Number Two, the one adjoining on the south? The decision was a close one. If affirmatively decided, a new school house was to be erected on a reasonably central location for the combined areas. There were four affirmative and five negative votes. In 1877 the matter of relocation was again considered and again voted down.

Repairs on the School House

At eight years of age my school experiences were begun in this Vermont brick school house of District Number Five. There I continued until 1892 when I entered the High School at Bellows Falls and prepared for college. They were years guided by a succession of capable competent teachers provided by the fathers of the district. They were just naturally good teachers trained in High Schools or Academies but without the specialized preparation of Normal Schools, yet devoted to their work.

When I began it was in comparably fresh surroundings, for in my earlier boyhood, extensive repairs, alterations and renovation were made, especially inside the school building. According to the records a Committee was appointed in 1874 to investigate what should be done and to ascertain prospective costs. Six years later the changes were made and renovation took place. The record reads: "worthy Moderator David Fairbanks in chair, the subject of Repairing or Building ably discussed. on motion to adjourn the said meeting not carried. Voted to repair the School house. Voted that David Fairbanks act as Committee on repairing with School Committee, H. N. Weston. Voted to raise thirty five cents on the dollar of Grand list for said repairs. Voted that said repairing be done in the vacation between Spring and Summer terms of School. Voted to dissolve the meeting.

Rockingham April 8, 1880. Simon M. Allbee, Clerk."

Before changes were made there were long seats, much battered by use, along the sides of the school room with other and shorter seats nearer the center and closer to the long box stove of sufficient size to accommodate sizable chunks of wood. It was often much too cold in the seats around the outside and much too hot for those seated nearer the stove. New non-movable double seats with desks in front were made by the carpenter and arranged, four seats and three desks, in four sets with aisles between and facing the north side of the room where was the blackboard. Seats and desks were of varying heights suited to accommodate pupils of different ages and heights. Except for the rectangular wood-burning stove of ample capacity and the teacher's table and chair, nearly one-half the room was open space and adapted to freedom of movement for those going to or coming from their seats or using the blackboard. The stove pipe went up vertically some nine feet to its knee and then continued horizontally at right angles over the center aisle and entered the chimney on the south side. Often the back corner seats lacked the complete comfort of sufficient heat even when those at the very front were uncomfortably warm. Teacher's seat behind her table faced the pupils.

The New Woodshed

A most important part of the renovation was the construction of a new wood shed, a building of wood attached to the north side of the school house with capacity for storing several cords of wood. Its entrance on the same side was somewhat back from the front line of the school house. Previously the wood had been stored within the brick walls on the north side with a partition separating it from the school room. After the building of the wood shed this long narrow room was partitioned to form a closet for the teacher on the northwest corner and a front entrance hall on the northeast corner. Here were hooks for hats and coats and plenty of space on the floor for various kinds of footwear and other impedimenta. The front corner door opened into this hall with a second door leading to the schoolroom.

With two windows of good size, each with two sashes, on each of three sides, east, south and west, the school room was well lighted. Fortunate was the decision, noted in the records, to place the new wood shed on the north instead of the west side. The western windows were saved for the shining through of the after-

noon sun. No light from the north streamed into the pupils' faces. Only the teacher faced the light. David Fairbanks and Henry Weston, neither of whom had children, gave a good account of themselves in their appointed task of reconstruction. Without ornamentation or useless features the completed work bore evidence of good workmanship on the part of carpenters and painters. The red brick school house of District Number Five in its simplicity and usefulness was a credit to the neighborhood and the town.

The following record bears witness to the advancing ideals and achievements of district school life:

"School District Number 5. Rockingham, March 25, 1884.

"Agreeable to foregoing Notice the meeting was Called to order. Reading of the Annual Notice by the Clerk. Officers for the Year Ensuing: Moderator Walter Wiley. Clerk Simon M. Allbee. Committee Chas. C. Roundy. Treasurer D. B. Damon. Auditor S. E. Adams. Voted to have thirty weeks of school the Ensuing year in three terms of ten weeks each, Spring, Fall and Winter. Voted to raise five cents on the dollar of Grand List for School purposes. On motion of D. B. Damon art. 5th was laid on the Table. Voted to refer Article 6th to the Committee. Voted to sell Board to loest bidder. first term Spring was bid off by Walter Wiley at $2.00 per week. Second term to same $1.95. Third term Winter to S. M. Allbee at $2.90 per week. Voted to get two Cord good merchantable Hard Wood Cut twice into and put in Shed by first of July 1884. Daniel Beaumond bid off the Same at $5.00 per Cord. Voted to Disolve the meeting.

Simon M. Allbee, Clerk."

Articles referred to in the minutes: "Fifth to see if the District will vote to buy Land adjoining School house belonging to S. E. Adams for play Ground. Sixth to see if the Dist. will vote to buy a Set of outline Maps for School House." Would that the "play Ground" had been bought! Privately owned land bordered the school house on its south and west sides.

The records for 1885 indicate that there was some thought that the district was putting too much money into the school. "It was voted to have twenty-four weeks." Then the voters thought better of what they had done, rescinded the vote, and voted "to have thirty weeks instead in terms of ten weeks each." The salary of

the teacher at that time was around $4.00 or $4.50 per week plus the board. Fifteen and more years later it was $7.50 per week including board. At that time those teaching boarded in their own homes.

Town System of Schools

The Laws of 1884 for the State of Vermont made possible a Town System of Schools. In 1886 the Town of Rockingham at the March Town Meeting voted against the adoption of the plan; the next year it was adopted by a narrow vote of 122 to 119. For two years the plan was in operation but was abolished by vote of the Town in 1889. Act Number 20 of the Laws of Vermont for 1892, effective April 1, 1893, abolished the District System throughout the state and made permanent the Town System for all its towns and cities. Finis was written in the second book of records.

School sessions continued in District Number Five for a number of years. Under the new system less schools were necessary. In neighborhoods where there were few pupils transportation to other school houses was the order of the times. Pupils in District Number Five, from four to ten in number, were transported daily to the Williams River School House of old District Number Two adjoining. Not since 1908 has the brick school house of old District Number Five been in use for school purposes. For a number of years the building stood idle. Then it was sold by the town to private owners. Changes were made on the building, an addition constructed and the property used for dwelling purposes and a filling station.

The records of the old school house of District Number Five are a story of time and change. For three quarters of a century it served well its great human, not to say divine, purpose. It shared richly in the process of making men and women. In very truth its permanence through the years proclaims to us of today: "One generation shall praise Thy name to another and declare Thy mighty acts."

Vermont Post Roads and Canals

By Julia R. Kellogg

Although a study of Post Roads and Canals embraces the entire country, and to discuss it fully would require more space than is available here, one cannot understand even that part of it that pertains particularly to Vermont without considering, somewhat, its relation to the whole.

Communication and travel were essential to economic and political development and prosperity. Roads—many, safe, and adequate roads—were imperative for communication and travel; but in those early pioneering days there were absolutely no roads—not, at least, as we understand the term. Yet, to quote a modern historian, "It was through the influence of transportation methods and their improvement and expansion rather than by politics or wars that a real unity was at last created."

White men went into the wilderness along the trails the Indians used. The Indian Trails were often paths beaten by large animals. These trails followed, first of all, the paths of least resistance—watercourses or the shores of watercourses—with portage from one stream to another. Perhaps, in their canoes or boats, they went up a stream as far as it was navigable, then by portage transferred their boats to another stream flowing in the opposite direction, floated down that and so—on and on.

One can see how difficult it must have been to communicate with even nearby settlements. "Social calls were made Venetian style; and the first funeral procession noted in Middlebury was a nautical one. A raft was made by lashing together two canoes and spreading boards over them; on this the corpse was placed accompanied by the mourners and friends and men to manage the boats. Thus arranged, the procession moved up the Creek and the body was deposited in the burying ground near Col. Chipmans. The

boats, on their way, leaked; and the men, having no pails or dishes with them, bailed out the water with their shoes."[1]

The topography of Vermont with its one main mountain range the whole length of the state, its several somewhat parallel ranges, their intervening valleys, their many swift-running rivers flowing north, south, east, and west, crisscrossing the entire state, and forests covering the whole; all this tended to make Vermont's problem of communication and travel a very difficult and discouraging one.

The older colonies to the south—New York, Massachusetts, and Connecticut—had faced a similar but less difficult situation and met it fairly well. From them our pioneers had come up into this wilderness, about 1760. They were hardy and persistent but not content with the isolation and self-sufficiency characteristic of such remote settlements. They who had come on foot as hunters, or on horseback as home-seekers, sought also to keep in touch with the life and business that they had left behind.

By trimming overhanging branches they widened the trails to bridle-paths; they widened the bridle-paths by cutting wider swaths through the undergrowth. They felled trees across the path where it was swampy, clearing some of the stumps and boulders from it and going *over* hills that could not be skirted.

In the older colonies, over such roads, post-riders had carried letters, papers, and even small packets in their pockets and in saddlebags at more or less regular intervals as early as 1642. In 1672 Gov. Lovelace of New York wrote Gov. Winthrop in Connecticut as follows: "His sacred Majestie . . . strictly enjoins all his American subjects to enter into a close correspondency with each other." By 1673 the Boston Post Road, connecting Boston and New York, had been laid out. It ran from the fort in lower Broadway in New York City, via Spuyten Duyvil Ferry and New Rochelle, along the shore of the Sound, to New Haven and Saybrook, then north along the Connecticut River to Hartford and Springfield, on to Worcester, Roxbury, and into Boston, with the return trip taking a whole month. Later there were three routes known as The Upper, The Middle, and The Lower Routes of the Boston Post Road. Already a line of sloops plied up and down the Hudson River carrying mail and freight between Albany and New York. But there was no established line of communication

[1]Lee, W. Storrs, *Stagecoach North*, 180.

north from the Massachusetts and Connecticut colonies from which most of our settlers had come.[2]

It was not till 1691 that a proper postal service was established in the colonies. Feb. 17, 1691, Thomas Neale received a royal patent for 21 years to control the colonial post-offices. He never came to America but in connection with the postmaster-general in London, he appointed Andrew Hamilton of Philadelphia his deputy in America. In 1704 no post went further west than Philadelphia; and as late as 1705 no post-rider went east of Boston or south of Baltimore. In 1708 Lord Cornbury, Governor of New York, states, "From Boston there is a Post by which we hear once a week in summer and once a fortnight in winter." Upon the death of Andrew Hamilton, Benjamin Franklin was appointed Deputy Postmaster-General, and a few years later, 1753 or 1754, with Col. Hunter of Virginia, they formed a joint Commission from the English postmaster-general for the Colonies. Under their administration the service expanded and became profitable enough so that the Crown received some revenue. It continued under the Crown until the Revolution, when it more or less disintegrated.[3]

While the post-riders were sworn officials and supposedly men of character, we are told that they opened and read all letters in their care and that statesmen of that time were accustomed, therefore, to write their business and political letters in code. And yet there were some routes on which only the by-letters were in an open bag. Those destined for certain settlements were put in separate bags which were then sealed with a seal of the Secretary's Office. To send *money* by mail was precarious business. Such letters were often found, at the journey's end, to have been torn or with corner clipped and part of the money enclosed, taken. This will explain certain passages in old letters of that time, written by persons owing money to someone in another town on a given date, acknowledging the obligation but saying that payment was deferred until they could send by the hand of a responsible person instead of intrusting it to the mail. The Post-office might be a corner of a Tavern, a law office, a store counter, or a hotel basement, depending entirely on the occupation of the Postmaster. And anyone could pick out of the pile what was his and go off

[2] Jenkins, Stephen, *Old Boston Post Road, passim.*

[3] There is a summary of early postal development in Dunbar, Seymour, *History of Travel in America,* 177. See also Jenkins, *op. cit.*

with it—and with someone's else, too, if he chose to do so.

This entry in the Journal of a traveller of that time is interesting; "Pay for horsekeeping, lodging, trouble, and 8 qts. of oats, 75c. Have an early start. Go up and down many a steep. Road mountainous, and in some places dangerous, but kept from harm. . . . May we never forget that Hand that had led us in safety all our journey through."

Envelopes were not used then and no postage-stamps had been issued by the government at that time. The sheet of paper was ingeniously folded so that it was letter and envelope too, and it was sealed with wax or wafer. Postage was paid by the receiver. Postage rates were reckoned on the mileage involved; from 6c for distances up to ten miles and accordingly 8c, 12c, 18c, etc. up to 25c for longer distances up to 450 miles. Civil Service was not essential. "Endurance in the saddle and an honest face were the chief requirements." Many of the Riders served for long terms—some even over 40 years.

Even as late as 1753 post-roads were still bridle-paths, though this was not the case with the Boston Post Road. All through colonial days and even in the first days of the 19th century, the mail was carried by post-riders on all main post-roads. And the "Pony Express" carried the mail over the western plains until 1870 or later. It was part of the post-rider's duty to direct accompanying travellers to the best roads and commodious Inns and stopping places. Quoting from the Journal of one, Madame Sarah Knight of Charleston, Mass., who made the trip from Boston to New York and return, horseback, in company with several post-riders of the route:

"Oct. 1704, . . . about 8 in morning, I with Post, proceeded forward . . . and about 2, afternoon, arrived at Post's second stage, where the Western Post met him and exchanged letters . . . about 3 afternoon, went on with my third guide, who rode very hard; and having crossed Providence Fery we come to a River which they Generally Ride thro'. But I dare not venture; so the Post got a Ladd and Canoe to carry me to tother side and hee rid thro' and Led my hors"—Farther on she writes—"The Post told me there was a bad River to Ride thro' which was so very firce, a hors could sometimes hardly stem it. I cannot express the concern of mind this relation sett me in; no thoughts but those of the dang'rous River could entertain my Imagination;—tormenting me

with the blackest Ideas of my Approaching fate—Sometimes seeing myself drowning, otherwhiles drowned, at best like a holy Sister Just come out of a Spiritual Bath in dripping garments."—Still farther on she writes—"Being exceeding weary, down I laid my Carkes (never more tired) and found my Covering as scanty as my bed was hard . . . and poor I made but one Grone, which was from the time I went to bed to the time I Riss, which was about three in the morning."[4]

A day's journey was about thirty or forty miles. Now and then, by more frequent change of horses they could make fifty miles but that was hard riding for man and beast.

The first roads in Vermont built originally by white men were two Military Roads. One from the Connecticut River near the mouth of the Black River, ran north-westerly to Chimney Point on Lake Champlain, opposite Crown Point. This was built about 1776 and was called The Crown Point Road, or The Great Road. The other one was begun by Gen. Jacob Bayley of Newbury, on the Connecticut River. He was directed in 1776 to cut a road from Newbury to Canada to facilitate a projected invasion of Canada, but he carried it only as far as Peacham, Vt. The work ceased because the Americans had retreated from Canada. Three years later the road was continued by General Hazen some fifty miles further, to Hazen's Notch. It was completed in 1779 and was known as Hazen's Military Road. This road is said to have been followed by the first regular stage line between Boston and Montreal.

When an army proposed to go anywhere they cut a broad swath through the wilderness, cleared the way, and made it suitable for their passage. The roads from Skenesboro (Whitehall) to the Hudson River were the most excellent ones in this section of the country, probably because both colonial and British armies had surged back and forth over them for many years.

Colonel Philip Skene, for whom Skenesboro at the head of Lake Champlain was named, built a road from there to Salem, N. Y., in 1786 which others, later, carried on to Bennington. He also built one from Skenesboro to Poultney. This road was important, for after the road to Castleton was built the settlements of Castleton and Poultney seem to have been connected, and later Castleton became an important stop-over in the stage business through

[4] Jenkins, *ibid.*

which passed the route from Troy to Montreal and the route from Boston to Saratoga and Buffalo. Numberless travel ways of the crudest kind came into being as the country became more settled after 1760, but their purpose was largely local without regard to any general plan until wider needs made them coalesce. There was an Indian trail that entered Vermont from the south in Pownal following the course of Lake Champlain northward and west of the Green Mountain range into Canada. The Allens cut a road from Castleton to Colchester, near Burlington, via Vergennes and Shelburne Falls in 1772.

When roads passable for vehicles became numerous enough and well enough connected to make them profitable, stage-coach lines were organized and from then on post-riders took only the short, isolated runs and the stage drivers took over the carrying and delivery of mail. It is said that "mail service changed almost immediately . . . the frequency changed but the service was not greatly improved. The whole postal business was run on a basis as informal as a barber shop—no bureaucracy—no hurry." Mail arrived when it arrived. It might arrive as legally on Sunday as on any other day. Some of the Town Fathers in Middlebury were very outspoken in their desire "to stop this desecration of the Sabbath."[5]

Though passengers usually alighted and helped relieve the coach when it was stuck in a rut or a mud-hole, they occasionally rebelled. There is a story of such a case. It was impossible for the horses to pull the coach out so the driver got out and asked the passengers to do likewise. They refused. They were astonished to see the driver sit down by the roadside and calmly light his pipe. They made anxious remarks and, probably, profane ones too—whereupon he replied, "Since them hosses can't pull thet kerrige out o' thet mud-hole an' ye wo'nt help, I'm a-goin' to wait till th' mud-hole dries up." The passengers alighted at once and helped.

But new roads were needed and older ones had to be repaired and maintained. Towns had not enough money to do this as fast as growing settlements and business demanded. Therefore private capital was invested in the building of turnpikes, so called from the turnpikes or toll-gates where tolls were collected to help defray the cost of building them and keeping them in repair. These companies were chartered by the State, and such roads

[5]Lee, *op. cit.*, 186–189.

seem to have been built in long and short stretches all over the state as need demanded. The Poultney Turnpike Co. was organized in 1806 and converted the primitive roadway into a turnpike as part of a through line from Albany to Burlington. The craze for turnpikes opened about 1796 and by 1800 was in full swing, continuing with more or less fervor for forty or fifty years. Edward Conant reported in 1890 only one turnpike remained, the Manchester and Peru, with one gate.[6]

When the settlers of the Atlantic seaboard began to push over the mountains into the interior of the continent to find new homes, even the Federal Government began to consider building highways which would link the newly settled territory with the old, and in cooperation with the states through which such roads should pass, built several turnpike roads out through Ohio, Indiana, and Illinois, and even to the Mississippi River, the most notable of which was The National Road or Cumberland Road. This was begun in Maryland in 1808 and reached the border of Ohio by 1817. President Thomas Jefferson's foresight encouraged such enterprise and, later, Henry Clay also favored it.

By 1791 Vermont roads had not only widened their original blazings and bridle-paths sufficiently to accommodate ox-drawn carts leading to nearby little villages, but through-routes called "public highways" had been created. These extended north and south on both sides of the state from one end to the other; and east and west roads connected the Connecticut River and the Lake Champlain valleys. They also joined corresponding highways in New Hampshire by ferries and bridges; and public highways to the south in Massachusetts, west in New York, and north in Canada. The only direct post-road to Boston and southern New England business lay on the east side of the mountain range. Middlebury extended its roads to meet that one under the auspices of the Center Turnpike Co., and one thousand dollars went into every mile of it.[7] It is interesting to note, in comparison with this, that present secondary roads are estimated to cost ten thousand dollars per mile. But, of course, the best of those first roads were not comparable with these modern ones.

Beginning in 1799 some ninety-one toll-road turnpikes and

[6]Conant, Edward, *Geography, History and Civil Government of Vermont*, 1890 ed., 135.

[7]Lee, *op. cit.*, 183–184.

plank roads were chartered in Vermont of which thirty or so were actually put into operation. Of these the Green Mountain Turnpike was among the first, extending west from the bridge over the Connecticut River at Bellows Falls to a connection with north and south public highways on the west side of the state leading through Rutland and Vergennes to Burlington and beyond. Another connected Brattleboro with Bennington, joining there with public highways leading north and south and also southwest toward Troy and Albany. No less important was one connecting White River Junction and the bridge at Windsor with points in the Ottauquechee and White River valleys and on to Middlebury and beyond. The first stagecoach drove into Middlebury in September, 1808, and at last there was direct transportation through to Boston.

One could leave Middlebury any Thursday, 4 A.M.; reach the Inn at Hanover for supper and be in Boston two days later.

The following summer, 1809, a thirty-six hour connection with Troy was started with two stages a week.

One could leave Middlebury Tuesday, 6 A.M. and be in Troy Wednesday evening, going via Cornwall, Whiting, Castleton, Poultney, Granville, Cambridge, and Lansingburg.

The schedule of the Troy coach was arranged to connect at Middlebury with the Boston stage as well as with the Burlington route which had been delayed because the turnpike had not been completed north of Vergennes.[8] Various other stretches were turnpiked in the Connecticut River valley between Bennington and Vermont points.

Near the close of the 18th century, post-roads were established in Vermont under the direction of the State Government, and Anthony Haswell of Bennington was appointed Postmaster-general of Vermont. He furnished mail to the inhabitants of Poultney and other towns from Bennington on to Burlington, 1783–1791. Then David Russell of Burlington was appointed Postmaster in Vermont which was the first appointment under the Federal Government in this state, Vermont having joined the Union in 1791.

In Conant's *Vermont* we are told that "In 1798 mail was carried once a week each way between Windsor and Burlington, passing through Woodstock, Randolph, and Montpelier. The

[8] *Ibid,* 185–186.

number of letters received at the Woodstock Post Office during the year was 180—the number sent out was 120."[9]

By 1825 a somewhat primitive transportation system had developed with seven regular stage-routes in operation between Boston and Vermont points.[10]

With the passage of time, however, toll collections became unpopular and the roads were so poorly maintained that the turnpike companies were persuaded to turn over their holdings to the towns and give up their charters, and thereafter those roads became the responsibility of the towns. The Selectmen of the towns were by law directed to require four days labor, annually, on the roads from every able-bodied man between the ages of 16 and 60 (ministers excepted), but roads were nowhere good. There were three main types of road—corduroy, plank, and gravel. Because weather and storms had washed out soil in many places, stumps and boulders made the roads rough and dangerous. The corduroy roads lamed the horses and shook the wagons to pieces. There was no travel for pleasure. Washington Irving testified to this when he wrote, "There is a certain relief in change, even though it be from bad to worse; as I have found in travelling in a stagecoach, that it is often a comfort to shift one's position and be bruised in a new place."

There were four competing stagecoach lines between Troy and Montreal. They ran via Bennington, via Salem, via Greenwich, and via Saratoga. The Greenwich Line was owned by Peter Comstock for whom Comstock Village was named. This route went up on the west side of Lake Champlain.

It is said that Peter Comstock determined to increase his business in cool weather by equipping each coach with a stove. In the words of the *History of Glens Falls*, "All went well on the first two trips and things looked favorable for travel. On the next trip the stage was caught in a heavy snowstorm and unfortunately lost its center of gravity, precipitating passengers and the well-heated stove into the ditch. The straw in the botton of the sleigh caught fire, the passengers getting more heat than they bargained for, and while none were injured, the sleigh and part of the baggage were destroyed, thus ending a noble experiment."

Peter Comstock operated a Stage Line from Comstock's Land-

[9] Conant, *op. cit.*, 135.

[10] *Proceedings*, Vermont Historical Society, 231.

ing to Rutland; and also one from Whitehall to Vergennes via Benson and Cornwall. There is a record in John Melish's *Travellers Directory through the U.S.* for the year 1825, which outlines a route from Albany via Whitehall to Montreal, thus:

"Whitehall—Cross Poultney R. to Fairhaven—Cross Hubberton R. Benton [probably Benson]—Orwell—Shoreham—Addison—Cross Otter Creek to Vergennes—Ferrisburg—Shelburn—Burlington [and on and on to] Montreal."[11]

These accounts suggest two different stage lines running through Benson. Although there is no definite authority for the statement, it is believed that Peter Comstock's Line previously mentioned, was the one that ran through the Village of Benson giving rise to the tradition that on its route over the North Hill—the one north of Benson Village—that point was the highest one on the whole route between Albany and Montreal; and that the second one that was functioning in 1825 was the one that went by the Benson Turnpike Road and did not come into Benson Village at all. The Tavern where horses were changed on the Benson Village route stood on the N.E. corner of the village Center, where there is now a gas station.

The entire economic life of this area was closely associated with the development of transportation facilities. The important part that Troy played in the early economic life of this section was partly due to the fact that the roads leading to the Hudson River were, as has been said already, such excellent ones for that time. Because the waterways were the easiest routes of travel and transportation, as early as 1791 New York became interested in canal building. In that year, through the influence of Gov. De Witt Clinton and General Schuyler, a bill was passed providing for surveys and estimates of costs to be made, preparatory to further action, and the following year, 1792, the legislature decided to incorporate two companies, *The Western Inland Lock Navigation Co.*, to open lock navigation from the Hudson River via the Mohawk River to Lake Ontario and Seneca Lake, and *The Northern Inland Lock Navigation Co.*, to do the same between the Hudson River and Lake Champlain. In a short time both companies were organized under the direction of General Schuyler. The Western Co. was more successful than the Northern, where nothing was done because of lack of funds. Later, as

[11] Melish, John, *Traveler's Directory* . . . . 1825, 20.

the Champlain valley became increasingly filled with pioneers, the need for water transportation between the Lake and the Hudson River gradually became more acute. Lumber and iron resources in northern New York and great marble deposits in southwestern Vermont constituted strong arguments in favor of a canal. In 1817 the New York legislature authorized the construction of the Champlain Canal (also called The Northern Canal) to extend from Waterford on the Hudson River near Troy, to Whitehall on Lake Champlain. Work was begun that year and the Canal was opened for traffic Oct. 8, 1823. "The first boat to pass through it was The Gleaner, from St. Albans, loaded with wheat and potash. It went forward to New York welcomed by booming cannon, brass bands, and dinners to the owners."[12]

The entire Canal was 64 miles long; 46½ miles of it was an artificial channel, 6½ miles made use of Wood Creek, and 11 miles utilized the Hudson River. From the Lake to the Hudson River there were six ascending and eleven descending locks. Unfortunately they were one foot narrower than the locks of the Erie Canal, a blunder that hindered continuous navigation on the two canals. Beginning at Whitehall there was an immediate rise of 26 feet overcome by three locks, and another rise at Fort Ann. Boats then passed from the Canal to the Hudson River at Fort Edward by means of three locks.

That the Canal was built at all was due to the vision and determination of Governor Clinton, who believed so thoroughly in the permanent benefits it would bestow upon the people at large and upon the people of New York in particular, that in spite of all discouragements, political, financial, and others, he persisted in his efforts at canal building until his dream came true and the Erie, the Champlain, and other canals were in operation. Stimulated by the opening of this Champlain Canal, population, industry, business, and better standards of living generally took a great leap forward. The tide of trade which had till then flowed north to Canada except during the war of 1812, now turned south and even Canada made use of this channel for both her export and import trade.

Some fifty or sixty years ago a child, sitting in a quiet corner of the fireside, might have heard from the lips of an old man, who when a young man had participated in the business enterprises

[12] Conant, *op. cit.*, 151.

of this section, how he had bought up immense quantities of wool all through this part of the country, had it conveyed to the wharf or warehouse at Benson Landing, Vermont, and how, from there, with similar quantities of grain and smaller amounts of lime, potash, and pearlash it was shipped through the Canal from Whitehall to Troy, Albany, and New York, to pay in barter for such goods as the local merchants could sell to their customers—salt, tea, coffee, chocolate, hardware, cloth, etc. Benson was a busy, bustling place in those days.

For mail as well as freight the opening of the Champlain Canal served to speed up communication. By the great increase in trade which this Canal stimulated, the Canal itself became choked. It was widened and deepened to accommodate more and larger vessels, but was still too congested. Before 1830, part of the excess of traffic was being siphoned off at Burlington to the Boston market. Although at first such traffic was carried on by ox-cart in summer and by sleds in winter, the railroads finally took care of it. But that is another story.

This Champlain Canal made travel easier, also. Stagecoach journeys eastward were tedious and roundabout. But for travel southward there was no other route comparable to the one by day-boat from Benson Landing to Whitehall and from there by packet on the Canal to Troy, Albany and New York. Old letters tell how this route was sometimes taken, also, when the destination was Springfield or Amherst in Massachusetts, leaving the packet at Troy and taking a Stage there for points eastward.

There was generally more or less rivalry on the Canal, particularly between packet boats that carried only passengers and light freight. On these, pugilists were often employed as deck hands, it being their duty to decide, by fighting, which boat should have preference in passing a lock. Noted in a diary of a hundred years ago occurs an item which probably refers to this sort of thing. "Took Packet, Fashion . . . about 5 P.M. Three other packets left borough at same time. Great Opposition." Not only were these packets anxious to defeat each other, but they were out to beat the stagecoaches, too. For the sake of speed they were hauled by horses, not by mules as were the freighters. The packet differed from freight boats mainly in cabin facilities. Within the cabins, reports Hyde's *History of Glens Falls,* "was a long table used for dining purposes; and at one end a small but fiery stove furnished

heat when dampness or cold required. At night three rows of bunks, one through the middle and one on either side of the cabin, furnished sleeping quarters which Charles Dickens likened to book-shelves and the occupants to large folio volumes unable to move when once in place. . . . Surprisingly large meals were served . . . and a cubby hole of a bar completed the accommodations. Of privacy there was little, although curtains screened the bunks and women were given the better locations, while the men drew lots for their beds with the privilege of sleeping on the long table as the prize position. Along the banks of the Canal ran tow-paths. . . . Some light freighters were hauled by one animal only, while the speedier packets were towed by four horses."

In the *Rutland County Gazetteer,* under Benson, you will find the name of Rufus Griswold, a native of Benson, who became a writer, editor, and critic of note. About 1838 he moved from New York City to Vergennes, Vt., where he was to be editor of a paper, *The Vermonter.* A letter from his wife to her relatives in New York, after her journey to Vergennes to join her husband, pictures some aspects of travel by packet at that time—one hundred and ten years ago.

"My dear Mother and Brother:

'Tis Sunday, one week ago tonight we were together. Now many miles separate us! But I have arrived at my journey's end safe and as well as could be expected . . . . The Packet leaves (Troy) once a day, 11 o'clock (A. M.). I got at Whitehall by five o'clock the next morning, the Packet was uncomfortable from the great number of passengers, we had shelfs to lay on, wide enough to sit a plate. I sat up all night and held Sis. God grant I may not pass another such night very soon.

On my arrival at Whitehall I awaited the coming of the steamboat most anxiously that was to bear my good husband to me, but in vain, he came not . . . . We got at Vergennes about 9 o'clock Saturday evening. Rufus did not receive my letter in time to take the boat; it stops at Vergennes about ten o'clock in the evening and gets to Whitehall in the morning, leaves again at one, it does not go but once a day from either place. I found that I had made a wrong calculation. I regretted not taking the line boat, they are much more commodious, and attended with less expense, the fare in Packet two dollars, in Steamer from Whitehall two dollars. Meals extra in Packet, then you go seven miles by stage . . . that is one dollar I believe. Never mind, I got here safe with two shillings in my pocket, to the very great astonishment of Rufus. Had he been with us he would spoil the face of thirty dollars. Nothing like stretching funds. . . .

Caroline Griswold."[13]

About one hundred years ago an old Diary recorded a trip from Benson to Albany as follows:

[13] Child, Hamilton, *Gazetteer . . . . of Rutland County,* 261.

"May 17, 1847. Went to the Lake. Got aboard steamer, *Francis Saltus* about 3 P. M. Left Whitehall for Troy about 5 P. M. in Packet R. C. Henry . . . Capt. Gandall (Comstock Line). Passed Ft. Ann about 7 P. M. and Ft. Edward about 11 P. M.

May 18, 1847. Reached Borough about 5 A. M. and took cars for Troy (Horse Power) . . . get to Troy about ¼ past 6 to breakfast.

May 19, Left Troy about 9 A. M. in stage for Albany. Got there about 10."

When the canals—the Erie, the Champlain, and the lesser ones that contributed to them—had proved themselves so valuable, every little town that had a navigable brook laid plans for a new waterway to new business, and there was a rage for canal building as, before, there had been a rage for turnpike building.

Plans were made for a canal from Middlebury north and also south making use of Otter Creek part of the way. A canal from Otter Creek and Castleton River to Whitehall was projected, iron and marble deposits in southwestern Vermont making it seem feasible. Others were proposed connecting Montpelier with the Connecticut River and with Lake Champlain. Stock was offered in February, 1834, in the Otter Creek & Champlain Canal Co., which was to go from Middlebury through Whiting and Shoreham to a bay one hundred yards south of Larrabee's Point but, before it could be gotten under way, citizens began to consider communication with states to the south by railroad and they lost interest in the canal.

During the interval before railroads could be built in Vermont, stage-drivers to Boston and Montreal, Albany, and New York settled down to the already established system of communication and travel. They bought better horses and increased their speed. More private money went into turnpikes and more taxpayers' money went into new and better post-roads.

It is interesting to note as we look back over that two hundred years or so, from about 1640 to 1850, how even the creatures of the wilderness—animals and Indians—had something to do with the routing of our roads. And it may help to visualize the situation more clearly to consider the conditions in Benson when the Town Charter was signed in 1780. At that time there was no road leading into town except the unfinished Military Road leading from Castleton through Hubbardton, Benson, and Orwell to Ticonderoga. Walter Durfee, the first settler in town, coming in 1782 from Poultney to claim the land he had bought, found no road north of Carver's Falls in West Haven and came thither by a

bridle-path blazed by the surveyors upon whose surveys the Town Charter and the Proprietors' Claims were based.[14]

All this has been written with little mention of the post-road taverns and inns, the vehicles used, the post-riders and stagecoach drivers. But they have a story all their own.

Modern travelers should readily acknowledge their indebtedness to the courage, skill, persistence, and foresight of their pioneer forefathers who, finding contact with even neighboring farms—to say nothing of contact with the outside world—difficult to achieve, yet planned and built the routes and roads that have speeded our growth and development to these days of swift, easy, and comfortable travel and communication.

[14] Hemenway, A. M., *Vermont Historical Gazetteer,* III, 407.

General References

Conant, Edward. *Geography, History, Constitution and Civil Government of Vermont.* 1890 edition.

Dunbar, Seymour. *A History of Travel in America.*

Federal Writers Project. *Vermont: a Guide to the Green Mountain State.*

Hemenway, A. M., ed. *Vermont Historical Gazetteer.*

Hyde, L. F. *History of Glens Falls, New York and its Settlement.*

Jenkins, Stephen. *Old Boston Post Road.*

Lamb, W. E. *The Lake Champlain and Lake George Valleys.*

Lee, W. S. *Stage Coach North.*

Melish, John. *The Travellers' Directory through the U.S.* 1825.

Wilgus, W. J. *The Role of Transportation in the Development of Vermont.*

Old diaries and letters.

The "Lease Lands" in Vermont

By Walter T. Bogart

The land grants which are the subject of this article are of some interest to the student of political institutions, for several reasons which will be developed. And they are, quite practically, of considerable interest to people whose affairs are related to those of Vermont. Despite this, there has been little actual knowledge of these grants; that is, knowledge of a reliable sort. Many people in Vermont know a bit about them, but only vaguely. So that most of what one hears is apt to be based on misconception.

There is no adequate designation to be applied to these land grants. No generally accepted term has developed which properly describes the grants, or which is universally recognized and used in Vermont. They are variously referred to as the public lands, the public rights, sequestered lands, and so on. The most widely used term is the "lease lands." Many people, on the other hand, refer to the entire complex of grants as the glebe lands, but it will be seen that this involves a misapprehension, both as to the nature of the glebe and the nature of the grants as a whole. For convenience, they will here be called the lease lands.

The lease lands are an integral part of the history of Vermont. They originated as an element of our public institutions long before Vermont statehood, having been included in the provisions of town charters granted by Benning Wentworth at the time he was asserting the New Hampshire authority over the area west of the Connecticut River. The first of our town charters in which the lease land reservations appeared, was that of Bennington, issued in 1749. The practice of including such reservations in the charters was then continued, with few exceptions, by Wentworth and, interestingly, also by the Government of Vermont after the

Revolution. And, due to certain peculiarities in the law of Vermont, they have persisted as distinctive lands, right to the present time. As such, they constitute a somewhat unique land situation in the United States.

The Wentworth charters customarily reserved four shares of land for the public rights: one each for the glebe, the Society for the Propagation of the Gospel in Foreign Parts (which some of you will know was the missionary society of the Church of England), the first settled minister in the town, and a school in the town. The charters granted by the Vermont government normally made five reservations of public rights: these being, respectively, for the benefit of a college or seminary, for the support of county grammar schools, for a town English school, for the first settled minister, and for the social worship of God. (This last was sometime stated as being for the support of the Gospel, or the ministry, and is frequently called the Gospel right.)

The glebe, thus, is but a single one of the nine classes of lease lands. Briefly, a glebe was an ancient institution in the system of the established church in England and the term is properly used to designate land donated to the support of the parson and held by him in his ecclesiastical capacity as a part of the benefice. So the glebe was clearly intended by Wentworth to benefit the Church of England. It was, however, confiscated by the Vermont legislature in 1794, the confiscation act being repealed in 1797 and passed again, with certain changes, in 1805. The confiscation was resisted at law by the Vermont Episcopalians, but was upheld by the United States Supreme Court in 1815. Since that time the glebe has been under the control of the selectmen, being used either for the benefit of the churches, or of the schools, in the various towns.

Confiscation was also attempted with respect to the S.P.G. right and this, too, went to the United States Supreme Court. This time the church fared better and the court in 1823 held the confiscation invalid. The Society in London then held the lands, which it administered through a local board of agents holding a power of attorney, with the benefit going to the Vermont Episcopal Diocese. In 1927, the S.P.G. right was deeded outright to the Diocese which has since then possessed the lands.

As to the reservations in the Vermont charters, that for a college or seminary was given by the legislature to the University

of Vermont at the incorporation of the institution. The grammar school right has had a turbulent career. The original conception of the right applied to the scheme of a single grammar school in each county. But this whole plan soon broke down as more towns undertook to establish schools and secure some of the benefit of that right. In a few instances, as in Addison County, a single school did receive the entire county right, but in others it was divided between several schools. More recently, as the private academies have been replaced by public high schools, provision was made that the latter should receive this benefit where it was not committed to an existing private school.

Selectmen of the towns have been responsible for others of the public rights, besides the glebe. These include the shares for the town school in both Wentworth and Vermont charters, and the Gospel right.

The share for the first settled minister went outright to such a minister whose settlement satisfied the requirements of the law. It continued, however, to enjoy the advantages of being classed as public land so long as he continued in his ministry. Where no minister was settled, the selectmen are responsible for this right and the benefit is for the town schools.

These grants derive the name of lease lands from the customary method of administering them. Very early, the practice came to be that those to whom the grants had gone, and who are best thought of as the trustees of the grants, leased out the lands by perpetual leases. The term of such leases was phrased to be for "as long as grass grows and water runs" and the court has held this to mean in perpetuity. Here we come to the aspect of the lease lands which gives them some uniqueness—and the degree of uniqueness can, perhaps, be best seen by contrasting developments in Vermont with what happened in New Hampshire, remembering that it was from the latter that this system of land grants was received. In New Hampshire, the reservations were held to be outright gifts to the various designated beneficiaries. So that the land could be disposed of as was thought best. As a consequence, such land was gradually sold and disappeared into the mass of private property in that state. Thus, it no longer figures as a political institution, or as a public problem.

Vermont pursued a very different course. It was determined here that the grants constituted, not an outright gift, but a trust

to be administered in such a way as to be of benefit both to the then present generation and also to future generations. And it was thought that the only way in which this continuing benefit could be assured was to require the preservation of the identity of the trust property. Hence, it was held that the lands could not be conveyed in fee, either by fee simple absolute, or by any lesser quality of fee. This doctrine prevailed until quite recently when legislation, later to be examined, authorized the sale of the lease lands, under certain restrictions.

Now, this position placed the Vermont court in something of a juridical difficulty which was solved only by the creation, for Vermont, of a peculiar, special doctrine quite distinctive in Anglo-American law. As some of you know, the general body of the English common law was adopted by the American states, insofar as it was relevant to our circumstances, and we still rely on it for our law wherever the legislatures have not covered a situation with statutory law. On this basis, it has been considered in American courts that perpetual leases conveyed a fee in the land—not a fee simple absolute, but either a conditional or a determinable fee. There is no point to going into the various technicalities of these estates, about which even the lawyers argue interminably. Suffice it to explain that these are conveyances in which the full right to the land is in the lessee until some condition in the lease shall have failed, whereupon the right to the land would revert to the lessor. The basis for considering perpetual leases as this sort of conveyance is simply that so long as the rent and other conditions are met by the lessee there would be no conceivable time of reversion to the lessor, as there is in the case of a lease for a specified number of years.

The Vermont jurists departed from this position, insofar as the lease lands were concerned. (The general doctrine is effective in Vermont for privately owned land.) In the case of the lease lands, the court decided to view perpetual leases as being, in fact, leases and creating the relation of landlord and tenant. This position was developed very early and has had the constant support of the Vermont court. There is only one dissent to be found—written by Judge Moulton, the present Chief Justice, in 1932. This special doctrine has been so thoroughly applied that the court has, in several cases, invalidated leases which were in proper form except that they provided for what is called a commuted rent. That

is an arrangement whereby, instead of a regular annual rent due, there is an initial large payment by the lessee, calculated to provide an annual interest to the lessor equivalent to rent. These purported leases were frowned upon on two counts: first, that this left no reversionary interest whatsoever in the trustees, such as exists where there is the possibility of failure of rental payments. Hence, such leases constituted, in fact, conveyances beyond the power of the trustees; and, second, that such initial large payments were subject to various hazards in the subsequent handling of them—that the principal might easily be dissipated, so that there would then be no provision of benefit for future generations, such as was assured by the annual rental of the land. Thus we find a legal position developed which led to a result quite different from that in New Hampshire. Here, the charter reservations have been maintained in their identity as special, privileged parcels of property.

Two other elements of the law have contributed to this same end. The first of these is the work of the legislature, rather than of the court. It is that in the various statutes of limitations which have been written from time to time, the lease lands, with one exception, have been exempted from their operation. Briefly, the matter can be described in this way: It sometimes happens that an individual will enter onto land which belongs to another, without either purchasing or renting such land, or without the permission of the owner. This is referred to in law as adverse possession of the land. There are certain technicalities about it which can better be avoided here. However, if such an individual maintains his adverse possession for a specified time, he can then claim the legal ownership of the land. Statutes of limitations, in effect, state the number of years within which the original owner must go into court to obtain an ouster of the intruder if the owner is to retain his property rights. You can see that in an area like Vermont, with much out-of-the-way land which might well be entered upon without the knowledge of an absentee owner, adverse possession might not be infrequent. The identity of the lease lands has been supported because, due to their exemption from the statutes of limitations, no amount of time on such land will perfect an adverse title and the trustees can at any time go into the courts to oust an intruder and recover the land. The one exception to this was the S.P.G. right. When the effort to con-

fiscate it was frustrated by the United States Supreme Court, the legislature reacted by taking this right out of the exemption. That is, it was subjected to the requirements of the statutes of limitations. In view of the weak administration of the S.P.G. lands prevailing at that time, it is probable that some lease lots were lost in this way. The S.P.G. right was again given the same protection as the other lease lands in 1854.

The other element of the law, just referred to, has to do with the taking of property under the power of eminent domain. The concept of eminent domain is that at times the need of the community for the use of a given piece of land may override the need of the individual who owns that land. With certain safeguards such as procedural requirements and the requirement that there be due compensation, the property can then be taken from the individual owner by condemnation proceedings.

Now, there is another doctrine which constitutes a modification of what has just been stated. It is that property already devoted to a public use cannot be taken by condemnation for another public use unless authority to do so has clearly been given by the legislature. The lease lands have been regarded in law as being to a public use. And there have been but a very few—less than a half-dozen—acts of the legislature which have given such authority. Each of these few acts was for a limited field of activity. It should be added that this protected status of the lease lands has been altered by the recent legislation respecting sale of the lease lands.

There are various other aspects of the law in Vermont which are interesting and merit consideration in an examination of the lease lands more extensive than this paper. But one, especially, should not go unnoticed because it, like the special doctrine on perpetual leases, is somewhat unusual in American practice. Generally speaking, the insistence in America on the separation of church and state has been so thoroughgoing that one finds decisions from the courts of various states preventing local governments from participating in religious matters, including matters pertaining to property set aside for religious purposes. For example, a Kentucky decision prevented a municipality from acting as trustee of such property. In Vermont it has been otherwise as to those lease lands devoted to the support of religion. It has already been observed that the legislature gave to the selectmen admin-

istrative responsibility for such lease lands, including the glebe, the Gospel right, and the first settled minister's right where no minister had settled. Other legislation gives the selectmen the duty of distributing the Gospel land income among the churches in the town. This situation has regularly been accepted by the Vermont court and finally, in a 1936 opinion, Judge Moulton took cognizance of the fact and wrote explicitly to that effect, noting that "our law is different from the law in other states." It is, of course, not too surprising to find this view accepted in Vermont because of the early close relationship, legally as well as otherwise, between town and parish, but it is of considerable practical consequence for those classes of lease lands affected. An adherence to the more general American doctrine would have required an entirely different administrative arrangement for those lands and might, quite conceivably, have led to a different history of them.

For Vermonters, at least, probably the most significant aspect of the law of the lease lands has been the exemption from taxation which they have enjoyed. This has, however, a broader interest as well, because it is influential in any final evaluation of the lease lands as a political institution.

The lease lands should be thought of as having been a form of subsidy. It was thought, in those early days, that the development of institutions for religious worship and for education would help to accelerate the settlement of the empty spaces, granted as towns. This was a view equally acceptable to those people whose interest was in living in the towns and to those whose interest was limited to their activity as land speculators. These latter, it may be noted, comprised most of the rosters of proprietors to whom the charters were issued. Wentworth, himself, was outstanding in his speculative interest and took the equivalent of two shares in each town which he granted. Even the revered Governor Chittenden was involved. The latter was a proprietor in no less than 42 towns and on one occasion suffered a rebuke from the legislature for his procedure in granting a charter.

The reservations of the public rights were thought of as providing both an inducement and a modicum of support for the establishment of churches and schools. Money was extremely scarce but land was plentiful, so the subsidy took the form of land grants. Of course, there is nothing unusual about this.

American history abounds in instances of subsidies by land grants, perhaps the best known being the vast acreage given to the western railroads. But the Vermont case takes on special interest because of the persistence of the grants in their identity as specially privileged property and it thus offers an unusual opportunity to examine the technique of subsidizing by land grant.

It can be generalized that the subsidy program probably served its purpose to some extent. This is a purposefully vague assertion. It seems clear that to a considerable degree, the reservation of the public rights might just as well have been avoided. There is little evidence to be found that the existence of the property represented in these rights made much difference in the development of the institutions for the benefit of which they were provided, or of the towns. Perhaps, the share for the first settled minister offers the most clear-cut support for this contention. It was the one public right in which Vermont custom and law always conceded that it could become private property. This event was supposed to be automatic upon the due settlement of a minister, although there were various instances in which towns, extra-legally, brought about other results. I think you all can easily imagine the lowly level of income of ministers of a century and a half ago. Here was a situation in which a minister could become possessed of a property, in his own right, running on an average to some 300 acres of land. Moreover, it was accorded tax exemption so long as he continued in that ministry. Considering, too, the fact that the Vermont towns of that time offered a minister an opportunity to perform greatly in his profession, this land would seem a strong inducement. And yet, we find today the existence, as public land, of numerous first settled minister's lots, for lack of there ever having been a minister settled in such towns.

The one case in which evidence indicates a direct relation between the lands and the establishment of institutions is that of the grammar school right. The record is fairly plain that the opportunity to secure the grant of such lands contributed to the movement in some towns toward the establishment of secondary education in the pattern of grammar schools, academies and institutes. It can, further, be thought that the early appearance of these schools in turn contributed to the growth and spread of the movement for more general secondary education.

It might be argued that the S.P.G. right could claim a similar role of importance respecting the Episcopal church, but this is a dubious claim. The Episcopalians came to Vermont and experienced quite as much difficulty as those of other persuasions in securing ministers, even though, originally, an Episcopal minister was provided for by the public reservations far more amply than were other ministers. In fact, as a result of the decision of the United States Supreme Court invalidating the S.P.G. confiscation, the Episcopal church has steadily enjoyed a much greater relative benefit from the lease lands than have other churches. Yet the number of Episcopalians in Vermont has never been dominant and it is doubtful that many people would assert that the income from the S.P.G. right has been critical to the maintenance of the Diocese, convenient though it no doubt is.

In any case, even should one assume that the grants of the lease lands were consequential in the early days, they must be regarded, finally, in their long-term values, inasmuch as they have persisted as an institution of the Vermont political community. This brings us directly to the matter of tax exemption.

Tax exemption has been enjoyed continuously by the lease lands and this is to be credited to the legislature rather than to the court. There is only one opinion in the reports of the Vermont Supreme Court respecting taxation as related to the lease lands and this came as early as 1841. Tax exemption of the lease lands seems always to have been accepted, as a matter of course, in Vermont. There were a few early legislative acts in which the provision did not appear, but this was apparently by inadvertence and was each time soon remedied. Even when the S.P.G. right was subjected to adverse possession by being eliminated from the exception to the statutes of limitations, there was no proposal to tax the land. Indeed, when this study was first under way and much of the ground breaking was being done by conversations with people in Montpelier, it was found that most Vermonters—even those in governmental positions—simply assumed that the lease lands are tax exempt because of their nature, and were unaware of the actual legislative situation. This attitude gains in significance when one is acquainted with the records which demonstrate how critically Vermonters have viewed tax exemption of other types of property, including that being devoted to charitable uses.

A point of especial interest and importance to note is that with very rare exceptions, tax exemption of the lease lands has not been on a perpetual basis. One such exception is the case of the Addison County Grammar School lands. Here the legislature stated that the land should be exempt forever. But it must be emphasized that this is highly exceptional. It has simply been that in the various tax laws and listers' laws, passed from time to time, a clause would exempt the lease lands for the effective life of such act—and they are today so exempted.

Mention was made a few moments ago of the one instance of a tax ruling by the Vermont Supreme Court affecting the lease lands. This was in the case of Herrick v. Randolph. It arose from legislation of 1825 which authorized the taxing of betterments on lease lands; that is, buildings and other improvements. The Town of Randolph had laid such a tax and Herrick resisted it in the legal action. The court upheld the validity of the tax and pointed out at some length that there had been, prior to 1814, no basis for assuming any perpetual exemption from taxes—either by the terms of the town charter grant of the land, or in relevant legislation. It did hold that the 1814 tax act was so written that any grants of lease lands made after that time would enjoy such enduring exemption. But this is not of consequence because the town charters, in which the grants of the lease lands appear, were all issued before that date. The charter of the Town of Wheelock, which was to the benefit of Dartmouth College, is the only charter which even mentions tax exemption. In that charter, exemption was provided explicitly. Yet, even there, the court, in Morgan v. Cree, by a somewhat intricate piece of legalistic construction, validated the levying of local taxes.

It would appear, then, that the tax exemption accorded the lease lands rests, basically, on an established community tolerance of the idea. The mere fact of their having enjoyed exemption for so long a time has no necessary legal significance. The United States Supreme Court made this clear in a case from Georgia, involving a somewhat similar land situation. The court said plainly that non-use of the power to tax, no matter for how long continued, did not extinguish the power.

Betterments taxes are levied against the lessees (that is, the tenants) of lease lands throughout Vermont. Moreover, this levy has been utilized in some towns to effect what amounts to a tax

on the entire property. In such towns, over a period of time, the valuation of the betterments is slowly but steadily increased much above what would be the normal figure so that the tenant comes to pay the equivalent of a tax on the land as well as on the betterments. This practice, of course, depends on tenants who will not demur—either because of ignorance or inertia.

The custom of granting perpetual leases is related to the fact, already noted, of there having been considerable empty land at first, and likewise, to the fact of tax exemption.

It was not, in the early days, difficult to purchase land, either from the owners, or through tax sales, of which there were then many. Nor was it too difficult to be successful as a squatter and perfect an adverse title. It must also be kept in mind that it was a slow and arduous task to develop a farm, what with the forest clearing to be done, the opening of roads, the construction of shelter and so on. Consequently, those who held the grants of the public rights were in need of an inducement to offer which would attract people, as against settling on land which they could own. The perpetual term of the lease, itself, was of this design. It meant that a man could be assured of enjoying the fruits of his labor as certainly as if he owned the land, and that he could leave it to his heirs. The real inducement lay in the practice of writing leases so that the per-acre rental was somewhat lower than the then prevalent tax rate. It may be added that an informal sort of additional inducement existed, in that, in hard times, it would be much easier to stall off the payment of lease rent than to delay payments to a tax collector—and this has, in fact, been the case.

We are now at the point of considering the ultimate effect of the charter reservations on the Vermont community. It comes to this: tax rates have changed, but very few lease rent rates have changed. Even where leases have lapsed for one reason or another, and later leases have been made, there has been a curious custom among the various trustees to think of the lease rent as being somehow fixed so that such later leases will ordinarily continue the earlier rent rate instead of including a readjustment to match the later, higher going tax rates.

Mainly, however, a very high proportion of lease lands rest today under the terms of the original early leases and in these cases there is no opportunity of adjustment of rental rates. This survival

of early leases is attributable to the fact that the lease-right can be transmitted both by inheritance and by sale.

The result may be stated very simply. The ever-growing disparity between tax rates and lease rent rates has developed to such a degree that the principal beneficiaries of the charter reservations are now those individuals who are so fortunate as to be the tenants on lease land. This is hardly a commendable outcome of a public institution which involves the sequestration of great areas of the public domain.

Those who might be inclined to defend the lease land system can readily demonstrate that certain of the lease lands provide an income to various institutions and that there would be no direct substitute if this source were lacking. Such would be the S.P.G. benefit to the Episcopal Diocese, the amounts which other churches receive locally from the Gospel right, the income of certain grammar schools and academies which are beneficiaries of grammar school lands, and the income of the University of Vermont from the college right.

It is questionable, however, whether one can find a real justification for the support of such private institutions from the public lands. Furthermore, each case represents, in one way or another, an inequitable relationship. For example, the University is in a position by which approximately one-half of the towns, in effect, contribute to its support through the taxes lost in those towns on the University lease lots, whereas the other towns escape this burden. The grammar school lands present a similar picture, in which various towns thus contribute to the support of secondary education in the town which is the site of a grammar school and this, even though they may be supporting a high school of their own by taxation. To illustrate how extreme this situation may be, some private academies which have benefited heavily from the grammar school right are in towns which do not even have this reservation in their own charters. And so on, through the list of beneficiaries.

Another situation difficult to justify, arises when a change in town lines involves lease lands. There are various instances in which lease lots have been transposed from one town to another by the movement of town lines. Yet, under the Vermont law, the first town retains the right and the second town then carries a

piece of tax exempt land and does not even receive the benefit of the lease rent.

In the case of all those shares which are for the town educational benefit, the lease land system cannot be regarded favorably. There is always a clear, and usually substantial, net loss as between what is received by lease rent and what might otherwise be received as taxes. And, of course, the tax loss is complete for those shares, the benefit of which goes to the several private institutions.

This, then, may be said: Whatever early advantages may be attributable to the charter reservations of the public rights, they have, without question, ultimately developed into a community liability, rather than an asset. In no case can it be demonstrated that the people of Vermont are deriving a net benefit. In illustration of this, the town reports will show that most towns receive more income from dog licenses than from the lease rent of those rights which are for the town benefit. This is a serious commentary if one bears in mind the acreages of land which are involved.

The Vermont experience should serve as a caution against the use of land grants as subsidies, particularly if the grants should be bound up in any such legal strings as were developed here. But even without such legal inhibitions as those existing in the case of our lease lands, land grants are a risky device. The reason for this is, of course, that Anglo-American law includes a formidable array of doctrinal protections of property rights and nowhere do they operate more rigidly than in respect to real property. There are many critical advantages to each of us, individually, in this fact. But it also means that the legal status of real property is relatively inflexible and, so, relatively incapable of being adjusted to changed circumstances and needs. Where real property assumes the character of a community interest, as in the case of public lands, this becomes the more serious. Communities must be viewed in long-term ways because their life is normally of indefinitely long duration. This means that, inevitably, during the life of a community there will be changes in circumstances of a profound quality. Yet, the public real property will not be subject to equivalent adjustments.

This point can readily be demonstrated by a comparison available in the reports from our own state supreme court. If one

studies the decisions dealing with the lease lands, one finds that little has been possible in the way of adjustments. On the other hand, there have been some Vermont cases which have involved rearrangements of money trust funds, as when school districts have been changed around, and here one discovers that adjustments are accomplished with reasonable ease.

Some comment is in order regarding the outlook in Vermont as to the system of the lease lands. This has an immediate interest for all Vermonters. To begin with, the problem is of far greater dimensions that most Vermonters realize. Estimating from the provisions in the charters, the total of the lease lands would come to nearly 300,000 acres. Another way to put it is that the public rights reservations amounted to between 5½ and 6 percent of the land area of the state. There is, without doubt, something less than this involved in the lease lands today. There has been some shrinkage in the total of the acreage because some lots have been lost sight of as lease lands through poor administration of them by the several trustees. But the present-day total is not too far below the figure just given, and is still sufficient to constitute a serious problem for the state.

Mention was made earlier of certain recent legislation affecting the lease lands. The 1937 legislature passed an act which finally authorized the sale of the lease lands and also explicitly subjected them to eminent domain condemnation. The act has not been widely effective, nor can it be expected to be. Here again, the inflexibility of real property relations appears. The act requires that any sales must account for the rights of the lessees. This was no mere whim on the part of the legislature, nor was it an expression of any excessive concern for the welfare of the lessees. Fundamental doctrines of American law, as expressed in such cases as the famed Dartmouth College case, would require this sort of safeguarding of the lessees' rights.

There have been some sales to the federal government of lands to be incorporated into the national forest reservation, but this is the most of what has come of the legislation.

Other than in some such special circumstances as the interest of the federal government, there is small inducement for any one to purchase. If a lessee should purchase, he would thereby exchange the burden of a relatively low lease rental rate for the greater burden of a higher tax rate because, upon the consumma-

tion of such sales, the lease lands lose their quality of being public lands and are thereafter subject to taxation as private property. There are, no doubt, occasional individuals to whom the matter of being the actual owner of land might make this change acceptable, but they would be rare souls. Certainly, there would be little reason for a third party to purchase. He would be required to continue to recognize the lease-right of the tenant. Thus, he would be in the position of paying taxes and receiving less than the taxes as lease rental from his perpetual tenant.

There is only one possibility of achieving any material change in the situation and it must be recognized to be no more than a possibility. This course would be the enactment of legislation to discontinue the tax exempt status of the lease lands and in doing so, to make the tax payable by the tenant rather than by the trustees of the grants. To lay the tax against the trustees would simply be to force them to give the lands, purchase free, to the tenants—the trustees would inevitably be paying more taxes than the amounts received in lease rents. It would not be inequitable to tax the tenants. Those who did the heavy chore of clearing the land and making the farms are long since gone. The present tenants have, for greater or lesser lengths of time, enjoyed the benefit of using land at a smaller cost than that of their neighbors and this proposal would go to equalize this situation.

The point of the proposed legislation is that it would clearly be an inducement to tenants, or lessees, to purchase under the authority of the 1937 legislation. Otherwise, they would be in the position of paying both taxes and lease rent. Of course, if their circumstances militated against their being able to purchase, this latter course would be open to them until such time as they could purchase.

The success of this proposal would be entirely dependent on the attitude of the court as to the validity of such legislation, and that is impossible to predict. The court might well decide that it was an infringement of vested rights. On the other hand, the federal opinion in the Georgia case, previously referred to, a decision of the New Hampshire court in a somewhat analagous case, the record of the tax situation in the Town of Wheelock, and some other American cases provide considerable foundation for an argument that such a tax could be regarded as valid. There would be no legal problem arising from the mere fact of the tax

being set to the tenant of property. Vermont law, except for a short time in the 1880's, has always provided that either the owner or occupier might be levied against.

Short of some such solution, Vermont will support the burden of the lease lands, as they stand, until such time as leases on the various parcels may be vacated, at which time those parcels could be sold without a lessee's rights intervening. That would be a slow and very long-drawn-out process. In the meantime the disparity between tax rates and lease rent rates would undoubtedly become still greater.

The use of plentiful land as subsidies may be beguiling in its apparent economy. It may well seem, at the time, to be the easy way out. It may, however, in the long-term life of a community, prove to be anything but economical.

Vermont Bookshelf

LEASE LANDS IN VERMONT

An Introductory Study of the Lease Lands of Vermont, Walter T. Bogart, Middlebury, Vermont, 1948. Mimeographed, 692 pp. A doctoral dissertation for Stanford University.

Any individual who attempts to study and write on problems of government in Vermont very soon runs headlong into trouble. Because the major unit of government in Vermont still remains the town, the student soon finds that he is bogged down in the minutiae of personalities and petty practices that characterize the system. This is the problem which beset Professor Bogart at the beginning of his research, and remains to plague the reviewer of his monumental work. Any attempt to discuss his study with the care that it deserves would necessitate almost as many pages as are found in the original. Accordingly, only a few points may be made here, leaving to others the task of more fully interpreting the shades of meaning and the diverse practices which have been uncovered.

For decades Vermont citizens and officials have been talking about lease lands, and while a great many of them had an intense interest in the matter, few of them did anything about it. In this way they resembled the persons in Mark Twain's famous story about the weather. Most of those who have talked about lease lands, including state officials, did not even know the several varieties of land which were quite wrongly included in the term, and they certainly did not know the location of the various parcels of land which go together to make up the whole.

The one exception to this lack of detailed knowledge is Professor Walter T. Bogart of Middlebury College who has at long last made an attempt to bring together all the materials on the subject and to evaluate their importance for the general government of the state. The resulting seven hundred mimeographed

pages are the most exhaustive study ever made on the subject. As one reads the document and its bibliography the question at once arises as to why Professor Bogart has called the work an "Introductory Study." It appears that no stone has been left unturned in the professor's search for knowledge and information. He explains, however, that it must be called an introduction because some of the possible lines of information have not been followed out in full and that in other cases the lack of available information has made it impossible for him to tell the whole story. The average reader will find more material in the "shortened" study than he can adequately digest in the time which most people have available for the study of their past.

Professor Bogart begins by pointing out that the so-called "lease lands" were areas granted by the existing authority of the time for the purpose of assisting in the settlement of the vacant territory in what is now Vermont. While the rest of the land was freely given by the charters, these various shares of land were withheld from the ordinary six square mile grant which went into each town and were not given to the proprietors. Because the purposes for which the so-called lease lands were to be used were considered to be for the general welfare, the lands themselves were held to be public lands and hence not subject to taxation. Since at one time there were three hundred thousand acres, or more, of land involved, and since there still remain over one hundred thousand acres, the resulting loss of tax revenues has some significance for the general government. The value of the land being not insignificant, this investment which has been made for the support of various public services should not be ignored.

Altogether, there were nine different types of these public grants made when the town charters were issued. Four types were found in the Wentworth Charters, and came into existence before the Revolutionary War. These four types were as follows: "one for a glebe for the Church of England; one for the Society for the Propagation of the Gospel in Foreign Parts; one for the first settled minister of the Gospel; and one for the benefit of a school in the town." Following the Revolutionary War, the General Assembly of Vermont assumed the responsibility for the Government of Vermont, and proceeded to issue its own charters for towns in the vacant areas in the state. These new charters contain five types of public grants, and while they are similar to

the Wentworth grants they must be given a separate status because they were granted by a completely different authority. These five types were: "one right for the use of a seminary or college; one for the use of county grammar schools in the state; one for the first settled minister (or ministers); one for the social worship of God; and one for the support of an English school (or schools) in the town." (p. 4 of the study.)

Each type of these public grants was established to serve a worthy public purpose. Unfortunately, records were not kept or were very poorly kept, and legislative juggling of town lines so confused the situation that even the site of the grants is often unknown. In many cases the grantees were careless in keeping records, and even forgot to claim their rights. All this means that the avails of the land are not now serving to support the purpose envisaged, and the security of support which the foresight of the early inhabitants provided has largely disappeared.

Confusion is also seen in the popular terms which are used to designate the public grants, and there is no accepted nomenclature. Professor Bogart states that he chose the words "lease lands" for his title in lieu of anything better. His difficulties and those of the average citizen are best summed up in his own words, describing the many terms now in use.

> These are lease lands, public shares, public lands, public rights, sequestered lands, and lands devoted to public, pious and charitable use. The use of the term "glebe" is found mostly among townspeople, the "neighborhood phrase," so to speak. However, it occasionally appears at the state capitol. In the charters of the towns granted by Benning Wentworth, it appears, in its traditional use referring to a lot of land for the benefit of a church—in this instance the Church of England. "Lease lands," on the other hand, is equally a phrase in common or customary use among those around the state capitol and among those immediately concerned with some of the groups of lands. "Public shares" is a term found in some of the town charters and in other early papers. The next three terms, "public lands," "public rights," and "sequestered lands," are those customarily encountered in public documents such as legislative acts and the decisions of the courts. The latter, "sequestered lands," is found in legislation dealing with lands of various sorts which happen to be exempt from taxation and with which the lease lands are at times bracketed. "Lands devoted to public, pious and charitable use" was found in some of the town charters and since then may be encountered at times in legislative acts and other documents. As it is used in later times, it has much the same omnibus quality as "sequestered lands." A perusal of this list of terms will show that none of them is entirely satisfactory. The "glebe," both in its accepted use and in the Wentworth charters, is proper only for one of the groups. "Lease lands" fails entirely to signify anything about the lands other than the mode of their disposal. All of the remainder of the list

of terms fails to distinguish these lands specifically granted in the town charters from other quite dissimilar lands. For example, these lands are exempt from taxation; whereas, certain other lands in the state devoted to "public, pious and charitable use" are subject to taxation. "Lease lands" has the single virtue that it alone is comprehensive enough, as used, to embrace all of the lands granted in the charters and at the same time distinguish as between these lands and other types or classes of special land holdings. Admittedly, the term " lease lands" is unsatisfactory in that it does not describe to the uninitiated some of the most important characteristics of this system of land grants. No adequate term exists. (pp. 20–23.)

With such confusion in terminology it is not surprising that there have been other difficulties as well. The General Assembly has from time to time in the past enacted laws covering the general subject of lease lands. But through the years, the laws either were not completely enforced, were forgotten and lost sight of, or they no longer fitted the existing circumstances. For 150 years the question of lease lands has become more and more confused until today there is no place toward which the inquirer may turn his questions and expect an adequate answer. For much of this the General Assembly must bear a good portion of the blame. Professor Bogart discusses that body in the following terms:

As to the activities of the state government affecting lease lands, the period since the admission to the Union may be characterized as one of piece-meal fumbling and irresponsibility, induced by failure to recognize the magnitude of the lease land system as a political institution. Once the program of chartering was rounded out, the state government appears to have lost sight of the reservations of land which were established in the Wentworth charters and extended in its own charters. That is to say, the lease land system has been lost sight of as an instrument of public policy for which the legislature, having established the system as a major phenomenon, might well have felt a continuing sense of responsibility respecting the development of the system and its utility.

Relatively early, the legislature assigned the college and grammar school shares, the direct control of which had been in its hands. The effort to confiscate the glebe and the S.P.G. shares was likewise early in the period. With the exception of the report on lease lands rendered in 1878, these are the only major efforts of the state government up to legislation passed in 1935 and 1937. Otherwise one encounters only an intricate mass of legislative acts, intersperced with judicial decisions, relating either directly or indirectly to localized situations. . . ." (pp. 105–106.)

The inadequacy and inaccuracy of the early surveys made knowledge of the location of the grants almost impossible. Towns were granted by charter, only to find that boundaries overlapped, or that gores were left between them. The legislature passed laws to rectify the boundaries or to grant a new charter, and all the while the location of the grants became more difficult to verify,

especially since one parcel of land might be broken up into several small bits of land. Often only the worst of the available land was left for public purposes, a fact which explains why so much of the existing lease land consists of mountains and inaccessible areas. Often the grantees either failed to claim the land at all and it was taken over by squatters, or if the land was claimed the records were so inadequate that all trace of it was later lost. No one seemed to know what to do next when either of these situations existed, nor was there any indication of the proper procedure when the purposes of the original grant either could not be carried out or were flagrantly violated.

Although the selectmen of the towns were supposed to have charge of the care and disposition of these public lands, they frequently evaded their legal responsibilities and did nothing at all of that nature. In other cases they made ridiculous leases using the standard terms found in perpetual leases; "as long as grass grows and water runs." One of Professor Bogart's citations quotes a case in which the annual rent for an appreciable amount of land was to be the magnificent sum of one barley corn a year. In other leases the annual rents might approach a high point of twenty-five to thirty cents per acre, and in a few cases the annual return even went as high as seventy-five cents per acre. But as the years went by, even these minute rentals were forgotten or just not collected at all. Many holders of perpetual leases failed to keep proper records of the transaction, and their children and grandchildren eventually lost sight of the fact that the land did not belong to them at all. In many instances these heirs treated the land as if they owned it in fee simple and sold it, even though the courts have held that such a transaction is void, since the original grant may not be voided. Very often also, the town listers failed to carry out explicit legal requirements, and have failed to keep separate lists in the grand list book of lease lands, and property owned in fee simple. When this has occurred there has been an inevitable result of eventually losing all sight of the differentiation between public and private land.

While the foregoing procedure for losing sight of public lands was going on, the courts of Vermont have maintained the inviolability of the grants of these lands by the authority of the state and by the authority of Governor Wentworth. The courts have further asserted that there could be no alienation of these

lands, and that the original grant for public purposes remained in legal effect. This doctrine of the courts was often at cross-purposes with Acts of the General Assembly. Most notable of the several laws of the General Assembly were those, beginning in the 1790's, by which that body, because of an antipathy toward the Church of England, tried to take away from it or its related organizations all the land granted to their use in the several town charters. This was done by what amounted to confiscation or by treating the land as if it were owned in fee simple. Because of judicial and other pressure these laws were rescinded, but new laws with the same end results were passed, usually with a time limit for action. When the period had elapsed there was frequently no action taken to rescind the laws. In other instances, the laws having remained a dead letter, there is no record of any action taken or of a refusal to act on the part of the grantee, the selectmen, or the legislature.

Professor Bogart has strengthened his work by including materials found while reading every one of the reported cases in Vermont that in any way concern lease lands and their treatment. While these cases show the development of the court's attitude toward the original grants, they have little or nothing to offer about remedying the laxness in administering these public lands. Professor Bogart shows very clearly that the citizens of Vermont seem to be content to pay no attention to the weakness of law enforcement in these matters. In fact, it is made very clear that in the early history of the state irregularities in land ownership were an accepted part of the governmental scene. Rather than making investigation of questionable titles of lands that should have been used for public purposes and for the general welfare, there has been a general willingness to let the by-gones take care of themselves.

The study also makes it very clear that all the blame for the conditions which exist should not be placed upon the officials of the state. The grantees were very negligent about claiming their rights, and often never did so. Once claimed there was always a certain air of nonchalance that is exasperating to read about. The land agents of the Episcopal Church, the land agents of the University of Vermont, and the trustees of certain county grammar and other schools were very lax in their duties of preserving the public trust placed in their hands. In fact, in some instances,

decades passed with records so poorly kept that they can be said to be practically non-existent.

When all these laxities in administration were brought to the attention of the General Assembly, or of the grantees themselves, nothing was done about it except perhaps to point out that the situation was bad and that it should be corrected. Even when strict laws were passed requiring the proper listing and recording of these public rights the trustees and agents continued their independent way, and nothing, seemingly, was ever done to see that the laws were enforced. The consequence of this haphazard method of doing business was greater confusion in all matters pertaining to lease lands. The complete befuddlement explains how it has come about that no one knows much about the subject today, and why there is a lack of a specific terminology.

As an illustration of conditions Professor Bogart goes very extensively into the administration of the lease lands of the University of Vermont and of the Episcopal Church in the Diocese of Vermont. While by-gones are to be left as they are, it must be stated that the early officials of both these institutions never allowed their responsibilities in these matters to weigh very heavily upon them. Requests for information were left unanswered and criticisms were lightly brushed aside. Some of this was due to lack of information, and some to a failure even to look at the land itself in order to discover its location, quality, and use. One wonders when reading the story if other laws in Vermont have been as lightly treated as the laws concerning lease lands have been. If so, it is very remarkable that we have had as much respect for the law as has traditionally been found in the state.

The long story having been told, Professor Bogart comes to the conclusion that change is needed. The original purposes for granting the lease lands were sound, but times and conditions have changed. He believes that in those cases where the grantee has failed to claim his right after 150 years the law covering adverse possession should be revoked, and the lands treated as any other land. This appears to be a sound proposal.

The current rentals for the lease lands are ridiculously low, although at the time they were imposed they were only slightly less than the then current tax burdens. The case of University of Vermont holding in Barre worth at least $100,000 but bringing in about $17.00 a year is cited. The City of Barre gets no taxes from

the plot. Because the lease lands are most commonly located in those towns where the loss of tax revenues is serious, Professor Bogart feels that the General Assembly should make it possible for the lease lands to get on the tax rolls. While there are proposals for state administration of the lease lands, Professor Bogart feels that this would not be a wise procedure, even though there are certain advantages that would accrue. The thesis makes the proposal that the General Assembly make provision by which the towns will be able to levy taxes for local purposes on all such lands. He cites already enacted legislation, as well as court decisions, which uphold this position.

No. 65 of the Acts of 1937 already legalizes the sale of lease lands and provides that the sums realized shall be held in trust for the same purposes as set forth in the original grant. Until other matters are cleared up this will not be widely followed, and this is where the action of the General Assembly will have to be constructive. As the law now exists it is necessary either to sell the land to the leaseholder, or to another, but subject to the lease terms. Until the towns are given the right to levy taxes on the land this law permitting sale will remain a dead letter, because it really benefits no one. The leaseholder will not want to buy for the taxes will be higher than the existing lease rental, and no one else will buy because the tax will be greater than the income.

Professor Bogart believes that the courts of the state will uphold the new laws providing for taxation and in this way the matter of lease lands will be clarified. Times and conditions having changed, there is no longer any need for retaining a system which is entirely out-moded and no longer serves the purposes intended. The addition of land to the tax rolls, and the clarification of land titles not now clear would more than outweigh any disadvantages. Careful study of the complete work will convince even the most cautious that now is the time for action. We owe Professor Bogart our thanks for having brought the matter to our attention. This reviewer hopes that the volume may soon be printed so that all who care to do so may study and profit from it at their leisure.

ANDREW E. NUQUIST

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**Asterisk following reference to a location indicates that the location is coupled with a person; i.e.: John Smith, of Moretown.*

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